

Serial No.: 10/005,968

Attorney Docket No.: 2001P04224US01 US**REMARKS**

Upon entry of the Instant Amendment, Claims 1-14 are pending. Claims 2, 9, and 10 have been amended to overcome the Section 112 rejections.

Claims 2 and 9 were rejected under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, elements in claims 2 and 9 were indicated to lack antecedent basis; claim 10 was indicated to have an incorrect independent claim reference. Claims 2 and 9 have been amended to provided antecedent basis; claim 10 has been amended to depend from claim 9. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 1-3, 5, 6, and 8-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al., U.S. Patent No 5,296,821 ("Peterson"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Peterson.

As discussed in the Specification, an aspect of the present invention relates to power control in a telecommunications system. In certain embodiments, the invention includes a transmitter including a coupler to measure output power. The output power is compared to a set value and a threshold. If the power is above the threshold, the gain of an output amplifier is adjusted toward the set value. If the power is below the threshold, the slope of the linear portion is used to obtain the set power level.

Thus, claim 1 recites "a power controller adapted to receive a coupler value of a power level at said output of said power amplifier if said power level is above a predetermined threshold and perform a low power extrapolation if said power level is below a predetermined threshold;" claim 3 recites "adjusting said transmit DAC such that said output matches said nominal value; extrapolating past transmit DAC values to set said transmit DAC said set power level is less than a predetermined threshold;"

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claim 5 recites "means for adjusting a gain level of said variable gain amplifier based on a coupler output value if said power measurement is greater than a predetermined threshold;" claim 8 recites "a power controller adapted to adjust a power level based on a low power extrapolation of a power measurement if said power level is below a predetermined threshold;" claim 11 recites "a level detector adapted to determine a power level with respect to a threshold; a power controller adapted to adjust a power level based on a low power extrapolation of a coupler output if said power level is below said threshold;" and claim 14 recites "a power controller adapted to adjust a value of said transmit DAC based on a low power extrapolation of a coupler output if said power level is below said threshold; and wherein said power controller is adapted to adjust a value of said transmit DAC based on said output of said power coupler if said set power level is above said threshold."

In contrast, Peterson does not appear to relate, for example, to performing an extrapolation for a power level control if it is below a threshold. Indeed, Peterson has nothing to do with such a threshold. Applicants note that the Official Action appears to recognize this, stating that "Peterson discloses that a requested power level is not equal to a previous power level, and then a control loop will extrapolate a value from at least one previous condition stored in memory." The previous power level, however, is not a threshold. Instead, the "previous power level" is any power level that happens to be stored in memory, i.e., if power adjustment has not been requested before (See Col. 4, lines 31-35). Only in that case will an extrapolation be performed. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 4 and 7 have been rejected under 35 U.S.C. 103 as being unpatentable over Peterson in view of Medl, et al., U.S. Patent No. 6,711,389 ("Medl"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Peterson or Medl, either singly or in combination. Peterson has been discussed above. Medl is relied on merely for showing a linear region in a power vs. vga graph.

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However, like Peterson, Medl does not appear to have anything to do with, inter alia, the recited threshold or treatments above and below such a threshold. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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